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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,506	10/31/2001	Brent Melvin Weichelt	STL10407	7302

7590

12/18/2003

Jonathan E. Olson, Seagate Technology LLC
Intellectual Property - COL2LGL
389 Disc Drive
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EXAMINER

TZENG, FRED

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,506

Applicant(s)

WEIEHELT ET AL.

Examiner

Fred Tzeng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 17, 19, 20, 22-27, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 15, 18, 21 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30 are presented for examination.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 5, 6, 8-11, 13, 14, 16, 17, 19, 20, 22, 23, 24, 26, 27, 29 and 30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Burdenko (USPN 5,162,955).

Regarding claim 1, Burdenko discloses apparatus (see column 3 lines 4-7, 31-36 or figure 2, i.e., the HAD 50) for writing position data onto a first data storage disc (see column 3 lines 31-33, i.e., the disk 54) comprising: a spindle assembly configured to support first and second discs rotatably in a stack (see

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column 3 lines 4-11); an actuator (see column 3 lines 15-16, i.e., the actuator 66) configured to support a servowriter head between the discs to write several servo marks onto a data surface of the first disc (see column 3 lines 31-36); a support element configured to allow sliding contact with the actuator to unload the servowriter head from the data surface (see figure 2 or column 3 lines 19-21, i.e., the suspension arm 62), and means for retracting the actuator and the support element from between the first and second discs (see column 3 lines 18-21, i.e., the actuator motor 67).

Regarding claims 3 and 6, Burdenko discloses that the support element is a rotary cam structure, and in which the retracting means is an engagement surface configured to support the actuator while the cam structure rotates out from between the first and second discs (see figure 2 or column 2 lines 25-32).

Regarding claims 5, 10 and 11, Burdenko discloses that the actuator is rigidly but rotatably supported by a first rigid body (see column 3 lines 18-21), in which the spindle assembly is rigidly but rotatably supported by a second rigid body (see column 3 lines 8-11) and further comprising automated means for coupling the first and second rigid bodies temporarily during a servowriting operation (see column 3 lines 22-30).

Regarding claim 8, Burdenko discloses that the stack has a substantially horizontal axis of rotation (see column 3 lines 4-7).

Regarding claim 9, Burdenko discloses that the support element has a substantially horizontal axis of rotation (see figure 2).

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Claims 13, 14, 16, 17, 19, 20, 22-24, 26,27, 29, 30 are the method steps associated with the apparatus of claims 1-12 and therefore are rejected on the same basis as the apparatus claims.

Allowable Subject Matter

5. Claims 15, 18, 21, 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 2, 4, 7, 12 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "The discs have a nominal radius R and in which the support element is constructed and arranged to extend between the first and second discs by a distance greater than $R/6$ " is not supported by the present application specification.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (formal communications, please mark
"EXPEDITED PROCEDURE")

Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,
2021

Crystal Drive, Arlington. V.A., Sixth Floor (receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Tzeng whose telephone number is 703-305-4841. The examiner can normally be reached on weekdays from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone numbers for the organization where this application or proceeding is

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assigned are 703-872-9306 for regular communications and 703-746-5710 for

After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Fred F. Tzeng
December 12, 2003

FTK



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600